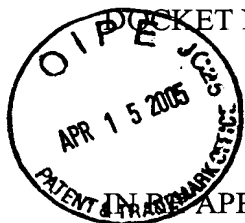


THW



DOCKET NO.: 242937US90/phh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Sung Uk MOON, et al.

SERIAL NO: 10/663,701

GROUP: 2681

FILED: September 17, 2003

EXAMINER:

FOR: BASE STATION, MOBILE STATION AND RADIO NETWORK
CONTROLLER

LETTER

Mail Stop DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a People's Republic of China Office Action for the Examiner's consideration. The reference cited therein has been previously filed on February 3, 2004.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Bradley D. Lytle

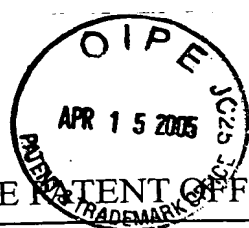
Registration No. 40,073

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(OSMMN 10/04)



THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Applicant	NTT DOCOMO, INC.	Issue Date March 11, 2005
Agent	Dragon International Patent Office	
Application No.	03157410.6	
Title of Invention	BASE STATION, MOBILE STATION AND NETWORK CONTROLLER	

THE NOTIFICATION OF THE FIRST OFFICE ACTION

1. ■ In accordance with the Request for substantive examination, the examiner has made the examination on the above patent application based on the provision of paragraph 1, Article 35 of the PRC Patent Law.

☐ The Patent Office itself has decided to make a substantive examination for the above cited patent application based on the provision of paragraph 2, Article 35 of the PRC Patent Law.

2. ■ The applicant requested to designate the filing date of

_____ JP _____ in the Patent Office of _____ September 19, 2002 _____ as the priority date;

_____ JP _____ in the Patent Office of _____ November 5, 2002 _____ as the priority date;

_____ in the Patent Office of _____ as the priority date;

■ The applicant had filed a copy of the priority application proved by the patent office which receives the priority application.

☐

3. ☐ Amendment was filed on _____ by the applicant.

☐ The applicant submitted the amended text is not in conformity with Article 33 of PRC Patent Law and is unacceptable:

☐ The amended text submitted according to Article 28 or 41 of the PCT.

☐

4. ■ Examination is made based on the Chinese translation of the original filing document.

☐ Examination is made based on the following documentations.

☐ page(s) _____ of description based on the Chinese translation of the original filing document.

Page(s) _____ of description based on the Chinese translation of attachment of international Preliminary Examination Report.

Page(s) _____ of description based on the amended documents that are submitted in accordance with Article 28 or 41 of the PCT.

Page(s) _____ of description based on the amended documents that are submitted in accordance with Article 51 of the PRC Patent Law.

☐ Item(s) _____ of claims based on the Chinese translation of the original filing document.

☐ Item(s) _____ of claims based on the Chinese translation of the amended documents that are submitted in accordance with Article 19 of the PCT.

Item(s) _____ of claims based on the Chinese translation of attachment of international Preliminary Examination Report.

Item(s) _____ of claims based on the amended documents that are submitted in accordance with Article 28 or 41 of the PCT.

Item(s) _____ of claims based on the amended documents that are submitted in accordance with Article 51 of the PRC Patent Law.

☐ Page(s) _____ of drawings based on the Chinese translation of the original filing document.

Page(s) _____ of drawings based on the Chinese translation of attachment of international Preliminary Examination Report.

Page(s) _____ of drawings based on the amended documents that are submitted in accordance with Article 28 or 41 of the PCT.

Page(s) _____ of drawings based on the amended documents that are submitted in accordance with Article 51 of the PRC Patent Law.

☐

5. ☒ The notification is made under the search for the patent ability.

☒ The following reference material has been cited in this notification (its serial number will be referred to in the following procedure);

FILED
-3-04

Serial Number	Number or Title of Reference Material	Publication Date (or Filing Date of A Conflict Patent Application)
1	US 006128472A	October 3, 2000

6. The conclusion of the examination;

☐ In regard to the description;

☐ The subject matter of the present application is not accepted based on the Article 5 of the PRC Patent Law.

☐ The presentation of the description is not in conformity with the provision of Paragraph 3, Article 26 of the PRC Patent Law.

☐ The presentation of the description is not in conformity with the provision of Article 33 of the PRC Patent Law.

☐ The presentation of the specification is not in conformity with the provision of Rule 18 of the Implementing Regulations of the PRC Patent Law.

☒ In regard to the Claims:

☐ Claims _____ can not be allowed owing to lack of novelty based on the provision of paragraph 2, Article 22 of the PRC Patent Law.

☒ Claims 1-5 can not be allowed owing to lack of inventiveness based on the provision of paragraph 3, Article 22 of the PRC Patent Law.

☐ Claims _____ do not belong to the definition of invention based on the provision of paragraph 1, Rule 2 of the Implementing Regulations of the PRC Patent Law.

☐ Claims _____ can not be allowed beyond the scope of the protection based on the Article

25 of the PRC Patent Law.

- ☐ Claims ____ can not be allowed based on the provision of paragraph 4, Article 26 of the PRC Patent Law.
- ☐ Claims ____ can not be allowed based on the provision of paragraph 1, Article 31 of the PRC Patent Law.
- ☐ Claims ____ can not be allowed based on the provision of Rules 20 of the Implementing Regulations of the PRC Patent Law.
- ☐ Claim ____ can not be allowed based on the provision of Rules 21 of the Implementing Regulations of the PRC Patent Law.
- ☐ Claims ____ can not be allowed based on the provision of Rules 22 of the Implementing Regulations of the PRC Patent Law.
- ☐ Claims ____ can not be allowed based on the provision of Article 9 of the PRC Patent Law.
- ☐ Claims ____ can not be allowed based on the provision of paragraph 1, Rule 13 of the Implementing Regulations of the PRC Patent Law.

The explanation of the conclusion is given in the attachment sheet in details

7. According to the above conclusion, it is considered that

- ☐ the applicant should amend the application documents based on the request in the Attachment Sheet.
- ☐ the applicant should state the reason on which the application can be accepted and amend the part that is indicated not to be conformity with the requirement, otherwise the application will be rejected.
- ☒ No subject matter in the application is accepted, said application will be rejected if the applicant does not make a statement or fail to make a statement.

8. The applicant is drawn attention to that

- (1) In accordance with the provisions in Article 37 of the PRC Patent Law, the applicant shall submit the observation within **FOUR** months from the date of receiving this notification. If the applicant, without any justified reason, fails to reply within the time limit, the application shall be deemed to have been withdrawn.
- (2) The applicant shall make amendments to what is not in conformity with the provisions in the text of this notification. The amended text shall be furnished in duplicate. The formality of the document should be in conformity with the relative provisions in the Guidebook for Examination.
- (3) The applicant and/or his attorney could not go to the PRC Patent Office to meet the examiner if no appointment is made.
- (4) **Any response and/or amended specification must be mailed or sent by hand to the receiving Department of the PRC Patent Office. Any documents that are not sent to the Receiving Department do not have legal force.**

9. The text of notification embraces 3 page(s), along with the enclosures herein:

- ☒ 1 copy of the cited reference is enclosed in pages of 11 .

Text of the Notification of the First Office Action

Application No: 031574106

As described in the specification, the present application relates to a base station, a mobile station and a radio network controller, which can reduce the load on the radio network controller during multicast communication. After examination, the examiner provides opinions as follows.

1. Claim 1 lacks of inventiveness and is not in conformity with the provision of Paragraph 3, Article 22 of the PRC Patent Law. Reference 1 discloses a system and method for expanding high inbound message traffic in a two-way pager network together with following technical features: the network includes a base station which receives simultaneous inbound message from a plurality of SUs via a plurality of receiver sites, and where a central base station controller is adapted for receiving only one inbound message from a selected SU during each inbound transmission time slot (refer to lines 54-61 in column 2 of the specification and Fig. 3 of reference 1). The difference between the technical solution sought for protection in claim 1 and that disclosed by reference 1 is merely on that the system in reference 1 is a two-way pager system. However, one skilled in the art can easily apply the technical solution in the two-way pager system to a general multicast communication. It is obvious for one skilled in the art to obtain the technical solution sought for protection in the claim by combining the generally known knowledge on the basis of reference 1. Therefore, the claim does not have prominent substantive features or represent a notable progress, and thus lacks of inventiveness.

2. The additional technical feature of dependent claim 2 is disclosed in reference 1, wherein, a central base station controller is adapted for

receiving only one inbound message from a selected SU during each inbound transmission time slot (refer to lines 54-61 in column 2 of the specification and Fig. 3 of reference 1). Therefore, the claim does not have prominent substantive features or represent a notable progress, and thus lacks of inventiveness prescribed by Paragraph 3, Article 22 of the PRC Patent Law.

3. Claim 3 lacks of inventiveness and is not in conformity with the provision of Paragraph 3, Article 22 of the PRC Patent Law. Reference 1 discloses a system and method for expanding high inbound message traffic in a two-way pager network together with following technical features: the network includes a base station which receives simultaneous inbound message from a plurality of SUs via a plurality of receiver sites, and where a central base station controller is adapted for receiving only one inbound message from a selected SU during each inbound transmission time slot (refer to lines 54-61 in column 2 of the specification and Fig. 3 of reference 1). The difference between the technical solution sought for protection in Claim 3 and that disclosed by reference 1 is merely on that the system in reference 1 is a two-way pager system. However, one skilled in the art can easily apply the technical solution in the two-way pager system to a general multicast communication. It is obvious for one skilled in the art to obtain the technical solution sought for protection in the claim by combining the generally known knowledge on the basis of reference 1. Therefore, the claim does not have prominent substantive features or represent a notable progress, and thus lacks of inventiveness.

4. Claim 4 lacks of inventiveness and is not in conformity with the provision of Paragraph 3, Article 22 of the PRC Patent Law. Reference 1 discloses a system and method for expanding high inbound message traffic in a two-way pager network together with following technical

features: the network includes a base station which receives simultaneous inbound message from a plurality of SUs via a plurality of receiver sites, and where a central base station controller is adapted for receiving only one inbound message from a selected SU during each inbound transmission time slot (refer to lines 54-61 in column 2 of the specification and Fig. 3 of reference 1). The difference between the technical solution sought for protection in Claim 4 and that disclosed by reference 1 is merely on that the system in reference 1 is a two-way pager system. However, one skilled in the art can easily apply the technical solution in the two-way pager system to a general multicast communication. It is obvious for one skilled in the art to obtain the technical solution sought for protection in the claim by combining the generally known knowledge on the basis of reference 1. Therefore, the claim does not have prominent substantive features or represent a notable progress, and thus lacks of inventiveness.

5. The said “the radio network controller according to claim 1” in claim 5 should be “the radio network controller according to claim 4” according to the understanding of the context and the application document, the applicant thus should amend it. The additional technical feature of dependent claim 5 is disclosed in reference 1, wherein, a central base station controller is adapted for receiving only one inbound message from a selected SU during each inbound transmission time slot (refer to lines 54-61 in column 2 of the specification and Fig. 3 of reference 1). Therefore, the claim does not have prominent substantive features or represent a notable progress, and thus lacks of inventiveness prescribed by Paragraph 3, Article 22 of the PRC Patent Law.

Based on the above reasons, both independent and dependent claims of the present invention lack of novelty and inventiveness, and no subject

matter in the specification can be accepted. Therefore, even if the applicant recombines and/or further limits the claims according to the description of the specification, the present application has no hope of being allowed for a patent. If the applicant can not provide sufficient reasons to prove that the present application has inventiveness within the time limit specified in the notification, the present applicant will be rejected.

After amending the application files, the applicant should submit: copies of the original pages to be amended with marks on them for any addition, deletion or replacement; the reprinted replacement pages for replacing the original pages. The applicant should keep the consistency of the above-mentioned two parts in content.

I-MPS-038046(对比文件)

01/03/031643 记如,



中华人民共和国国家知识产权局

邮政编码: 100029 北京市朝阳区裕民路 12 号中国国际科技会展中心 A1210 号 北京银龙知识产权代理有限公司 郝庆芬		发文日期
申请号: 031574106		
申请人: 株式会社 NTT 都科摩		
发明创造名称: 基站、移动台和无线网络控制器		

第一次审查意见通知书

- ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以在:

JP	专利局的申请日	2002 年 09 月 19 日	为优先权日,
JP	专利局的申请日	2002 年 11 月 05 日	为优先权日,
	专利局的申请日	年 月 日	为优先权日,
	专利局的申请日	年 月 日	为优先权日,
	专利局的申请日	年 月 日	为优先权日。

☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。
- ☐ 经审查, 申请人于:

年 月 日提交的	不符合实施细则第 51 条的规定;
年 月 日提交的	不符合专利法第 33 条的规定;
年 月 日提交的	
- 审查针对的申请文件:

<input checked="" type="checkbox"/> 原始申请文件。 <input type="checkbox"/> 审查是针对下述申请文件的			
申请日提交的原始申请文件的权利要求第	项、说明书第	页、附图第	页;
年 月 日提交的权利要求第	项、说明书第	页、附图第	页;
年 月 日提交的权利要求第	项、说明书第	页、附图第	页;
年 月 日提交的权利要求第	项、说明书第	页、附图第	页;
年 月 日提交的说明书摘要,	年 月 日提交的摘要附图。		
- ☐ 本通知书是在未进行检索的情况下作出的。
☒ 本通知书是在进行了检索的情况下作出的。
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	US006128472A	2000 年 10 月 3 日
- 审查的结论性意见:

<input type="checkbox"/> 关于说明书:
<input type="checkbox"/> 申请的内容属于专利法第 5 条规定的不授予专利权的范围。
<input type="checkbox"/> 说明书不符合专利法第 26 条第 3 款的规定。



第一次审查意见通知书正文

申请号：031574106

如说明书所述，本申请涉及提供一种基站、一种移动台和一种无线网络控制器，它能减少在多址通信期间无线网络控制器上的负荷。经审查，现提出如下审查意见。

1. 权利要求1不具备创造性，不符合专利法第22条第3款的规定。对比文件公开了一种在双向寻呼系统中扩展高速入站消息的系统和方法，并具体公开了以下的技术特征“网络包括一个基站，基站通过多个接收站点接收多个同时入站的用户端的消息，其中一个中心基站控制器每次入站传输时隙中只从选择的用户端中接收一个入站消息（参见该对比文件的说明书第2栏第54行～第61行，附图3）。该权利要求所要求保护的技术方案与该对比文件所公开的技术内容相比，其区别仅在于该对比文件中的系统是一种双向寻呼系统，然而对于本领域普通技术人员来说可以很容易地将双向寻呼系统的这个方案移植到普通的多址通信中来，所以在该对比文件的基础上结合上述公知常识以获得该权利要求所要求保护的技术方案，对所属技术领域的技术人员来说是显而易见的，因此该权利要求不具备突出的实质性特点和显著的进步，因而不具备创造性。

2. 从属权利要求2的附加技术特征已在对比文件1中公开：其中一个中心基站控制器每次入站传输时隙中只从选择的用户端中接收一个入站消息（参见该对比文件的说明书第2栏第54行～第61行，附图3），在因此该权利要求不具备突出的实质性特点和显著的进步，因而不具备专利法第22条第3款所规定的创造性。

3. 权利要求3不具备创造性，不符合专利法第22条第3款的规定。对比文件公开了一种在双向寻呼系统中扩展高速入站消息的系统和方法，并具体公开了以下的技术特征“网络包括一个基站，基站通过多个接收站点接收多个同时入站的用户端的消息，其中一个中心基站控制器每次入站传输时隙中只从选择的用户端中接收一个入站消息（参见该对比文件的说明书第2栏第54行～第61行，附图3）。该权利要求所要求保护的技术方案与该对比文件所公开的技术内容相比，其区别仅在于该对比文件中的系统是一种双向寻呼系统，然而对于本领域普通技术人员来说可以很容易地将双向寻呼系统的这个方案移植到普通的多址通信中来，所以在该对比文件的基础上结合上述公知常识以获得该权利要求所要求保护的技术方案，对所属技术领域的技术人员来说是显

而易见的，因此该权利要求不具备突出的实质性特点和显著的进步，因而不具备创造性。

4. 权利要求4不具备创造性，不符合专利法第22条第3款的规定。对比文件公开了一种在双向寻呼系统中扩展高速入站消息的系统和方法，并具体公开了以下的技术特征“网络包括一个基站，基站通过多个接收站点接收多个同时入站的用户端的消息，其中一个中心基站控制器每次入站传输时隙中只从选择的用户端中接收一个入站消息（参见该对比文件的说明书第2栏第54行～第61行，附图3）。该权利要求所要求保护的技术方案与该对比文件所公开的技术内容相比，其区别仅在于该对比文件中的系统是一种双向寻呼系统，然而对于本领域普通技术人员来说可以很容易地将双向寻呼系统的这个方案移植到普通的多址通信中来，所以在该对比文件的基础上结合上述公知常识以获得该权利要求所要求保护的技术方案，对所属技术领域的技术人员来说是显而易见的，因此该权利要求不具备突出的实质性特点和显著的进步，因而不具备创造性。

5. 从属权利要求5中“按照权利要求1的无线电网的控制器”，对照上下文和原神情文件，应为“按照权利要求4的无线电控制器”，所以按照修改此文评述。从属权利要求2的附加技术特征已在对比文件1中公开：其中一个中心基站控制器每次入站传输时隙中只从选择的用户端中接收一个入站消息（参见该对比文件的说明书第2栏第54行～第61行，附图3），在因此该权利要求不具备突出的实质性特点和显著的进步，因而不具备专利法第22条第3款所规定的创造性。

基于上述理由，本申请的独立权利要求以及从属权利要求都不具备新颖性或创造性，同时说明书中也没有记载其他任何可以授予专利权的实质性内容，因而即使申请人对权利要求进行重新组合和 / 或根据说明书记载的内容作进一步的限定，本申请也不具备被授予专利权的前景。如果申请人不能在本通知书规定的答复期限内提出表明本申请具有创造性的充分理由，本申请将被驳回。

申请人提交的修改文件应当包括：修改涉及部分的原文复印件，采用红色钢笔或红色圆珠笔在该复印件上标注出所作的增加、删除或替换；重新打印的替换页（一式两份），用于替换相应的原文。申请人应当确保上述两部分在内容上的一致性。

审查员

代码

